

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:09-CR-75-2H
No. 5:16-CV-441-H

RASHAD L. LANE,)
Petitioner,)
)
)
v.) **ORDER**
)
)
)
UNITED STATES OF AMERICA,)
Respondent.)

This matter is before the court on petitioner's motion to vacate pursuant to 28 U.S.C. § 2255, [DE #115]. This matter was stayed pending the Fourth Circuit's resolution of United States v. Walker, 2019 WL 3756052, __ F.3d __ (4th Cir. 2019), and United States v. Simms, 914 F.3d 229 (4th Cir. 2019). [DE #140]. In light of the Supreme Court's resolution of United States v. Davis, 139 S. Ct. 2319 (2019), the stay is hereby lifted.

Petitioner is directed to file a supplement, or other appropriate filing or motion, to the § 2255 motion to vacate within twenty-one (21) days of this order. The government shall then have twenty-one (21) days to file a response, if appropriate. In the event the parties agree petitioner is entitled to § 2255

relief, they may file a joint response within twenty-one (21) days of this order, addressing the appropriate remedy in this action.

This 20th day of August 2019.



Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
#35